HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.405 of 2002

Dated 4th day of July, 2007

Between:

Domalguda Toddy Tappers Co-operative Society,
Rep. by T.Suryanarayana Goud, Hyderabad .. Petitioner

And

The Commissioner of Prohibition &
Excise, A.P., Hyderabad
and another ..
Respondents

O R D E R:

This writ petition is filed seeking a mandamus to declare the Proceedings dated 14.7.2001 issued by the 1st respondent which were confirmed by the 2nd respondent in Proceedings dated 8.11.2001, as arbitrary and illegal.

The case of the petitioner-Society is that it was registered in the year 1994 with certain area of operation which comprises Domalguda area of Hyderabad. It was granted licence during the excise year 1996-97 to sell toddy for 5 years, and rent was fixed at Rs.6,76,000/- per month payable in 9 months. During the same excise year, after the fixation of the rent, a new society was permitted to be carved out from the area of operation of the petitioner-Society and a separate excise licence was granted to it. Now, the grievance of the petitioner-Society is that when it filed an application for reduction of rent, the 1st respondent issued the impugned proceedings rejecting the application. When the petitioner preferred a revision, the 2nd respondent, without considering the revision, dismissed it on 8.11.2001.

Heard the learned counsel for both the parties and perused the material placed on record.

Now, the learned counsel for the petitioner has represented that as per New Toddy Policy, there is no question of issuing licence to any Toddy-tapper Cooperative Society, and hence, the question of passing any orders does not arise.

In the light of the change in the New Excise Policy that no licences are issued to Toddy-tappers Cooperative Societies, this Court is of the view that the relief sought for in this writ petition cannot be granted.

Hence, the writ petition is devoid of merits and the same is dismissed. No costs.

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04.07.2007

bcj